

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Aug 24, 2023**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAYSON TAHMALWASH,

Plaintiff,

v.

GERALD LEWIS, GEORGE  
MENINICK, SR., CHARLENE  
TILLEQUOTS, CHRISTOPHER  
WALLAHEE, TERRY HEEMSAH,  
SR., JEREMY TAKALA, RUTH JIM,  
DELAND OLNEY, TERRY GOUDY-  
RAMBLER, RONNA WASHINES,  
TED STRONG, ELISSA BUCK,  
TAMARA SALUSKIN, JENNIFER  
MANUEL, and CHERI ROOT.

Defendants.

No. 1:23-cv-03022-MKD

ORDER DISMISSING ACTION

**ECF No. 1**

By Order entered May 31, 2023, the Court advised Plaintiff, who is proceeding in this case *pro se*, of the deficiencies of his Complaint and directed him to amend or voluntarily dismiss the Complaint within 60 days. ECF No. 14. Plaintiff did not comply with that Order and has filed nothing further in this action.

ORDER DISMISSING ACTION- 1

1 Plaintiff filed this *pro se* Complaint on February 15, 2023. ECF No. 1. The  
2 allegations arise out of a child custody case in the Yakama Tribal Court. *Id.*  
3 Plaintiff alleges Defendants have violated his Fifth and Fourteenth Amendment  
4 rights and equal protection of his rights under the Indian Child Welfare Act. *Id.* at  
5 6. On March 29, 2023, Defendants filed a Motion to Dismiss. ECF No. 5. This  
6 Court granted Defendants' Motion to Dismiss and granted Plaintiff leave to amend  
7 or voluntarily dismiss his Complaint. ECF No. 14. Plaintiff has not filed an  
8 amended complaint.

9 As discussed in the prior Order, the Court does not have jurisdiction over  
10 Plaintiff's claims for monetary damages, and Plaintiff has not set forth an  
11 explanation as to how this Court has jurisdiction over any of the issues related to  
12 his child custody claims. Plaintiff also has not presented facts that demonstrate he  
13 can overcome Defendants' sovereign immunity, nor how he can overcome judicial  
14 immunity for the three judicial defendants.

15 Additionally, Plaintiff has failed to state a claim upon which relief may be  
16 granted. Plaintiff's bare assertions of constitutional rights violations do not set  
17 forth factual explanations to support his claims. Plaintiff does not explain how  
18 each Defendant deprived Plaintiff of a constitutional right. Although granted the  
19 opportunity to amend or voluntarily dismiss, Plaintiff has filed nothing further in  
20 this action. The Court cautioned Plaintiff that if he failed to amend within 60 days

1 as directed, the Court would dismiss the Complaint for failure to state a claim  
2 under 28 U.S.C. § 1915(e)(2).

3 For the reasons set forth above, and in the Order Granting Defendants'  
4 Motion to Dismiss, Denying Plaintiff's Motion to Strike, and Granting Leave to  
5 Amend or Voluntarily Dismiss Complaint, ECF No. 14, this action is dismissed  
6 with prejudice for failure to state a claim against Defendants upon which relief  
7 may be granted.

8 Accordingly, **IT IS HEREBY ORDERED:**

9 1. Plaintiff's Complaint, **ECF No. 1**, is **DISMISSED** with prejudice.

10 2. Plaintiff shall provide notice of the dismissal to any and all Defendants  
11 he served with a copy of the Complaint and Summons.

12 **IT IS SO ORDERED.** The District Court Executive is directed to file this  
13 Order, enter judgment, provide copies to counsel and *pro se* Plaintiff, and **CLOSE**  
14 the file.

15 DATED August 24, 2023.

16 *s/Mary K. Dimke*  
17 MARY K. DIMKE

18 UNITED STATES DISTRICT JUDGE  
19  
20